

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

MISSOURI MUNICIPAL LEAGUE, et al.,

Appellant-Respondent,

v.

ROBIN CARNAHAN, et al.,

Respondent-Appellant,

SUSAN MONTEE AND RON CALZONE,

Respondents.

DOCKET NUMBER WD71224 Consolidated with WD71230

DATE: January 5, 2010

Appeal from:

Cole County Circuit Court
The Honorable Richard G. Callahan, Judge

Appellate Judges:

Division One: Lisa White Hardwick, Presiding Judge, James M. Smart, Jr. and
Cynthia L. Martin, Judges

Attorneys:

Joann T. Sandifer, Esq. and Robert L. Hess, II, Esq., Jefferson City, MO, for
appellant.

Ron Calzone, Dixon, MO, Respondent Acting Pro Se, and Jeremiah Morgan, Esq.,
Esq., Jefferson City, MO for Respondent-Appellant, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY COURT OF APPEALS -- WESTERN DISTRICT

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Before Division One Judges: Lisa White Hardwick, Presiding Judge,
James M. Smart, Jr. and Cynthia L. Martin, Judges

The case arises from ballot initiatives to amend the eminent domain provisions of the Missouri Constitution. The opponents appeal from the circuit court's ruling that the ballot summaries prepared by the Secretary of State and the fiscal note and fiscal note summaries prepared by the State Auditor were fair and sufficient, with the exception of one statement in a ballot summary that was deleted by the court. In a cross-appeal, the Secretary of State challenges the circuit court's certification of the revised ballot summary.

AFFIRMED IN PART; REVERSED IN PART; REMANDED.

Division One holds: The fiscal note and fiscal note summaries for the article I and VI petitions and the ballot summary for the article VI petition were sufficient and fair and are therefore affirmed. The circuit court erred in eliminating the

language of “necessity for public use” from the article I summary. We reverse the circuit court’s revision of the ballot summary and, pursuant to Rule 84.14, enter a judgment modifying the ballot summary as set forth in the opinion. The modified ballot summary is remanded to the Secretary of State for certification. In all other respects, the circuit court’s judgment is affirmed.

Opinion by: Lisa White Hardwick, Judge

January 5, 2010

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